

1 APPEARANCES :

2 MR. JOHN FEELEY
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4
5 (Appearing on behalf of Staff of
the Illinois Commerce Commission
via teleconference)

6
MS. FREDDI L. GREENBERG
7 Attorney at Law
1603 Orrington Avenue
8 Evanston, Illinois 60201

9 (Appearing on behalf of
Respondents via teleconference)

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3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	None .				
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14		<u>EXHIBITS</u>			
15				<u>MARKED</u>	<u>ADMITTED</u>
16	None .				
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1 Commerce Commission, John Feeley, Office of General
2 Counsel, 160 North LaSalle Street, Suite C-800,
3 Chicago, Illinois 60601.

4 JUDGE ALBERS: Thank you. Let the record
5 reflect that there are no others wishing to enter an
6 appearance.

7 We continued this matter a couple
8 times since we last met on June 9. And it is my
9 understanding that since then the parties have all
10 come to an understanding regarding the resolution of
11 this matter.

12 Prior to today's hearing they shared
13 with me a draft of a joint stipulation and exhibit
14 that the Respondents would seek to enter into the
15 record. Before I mention a couple of questions I had
16 about those, is there anything Staff or the
17 Respondents would like to state on the record at this
18 time?

19 MR. FEELEY: We also provided you with a draft
20 order.

21 JUDGE ALBERS: Yes, thank you.

22 MS. GREENBERG: Respondents have nothing.

1 JUDGE ALBERS: Okay. I have one question
2 regarding the addition of some dates to the joint
3 stipulation. For the record, on paragraph 3 of the
4 joint stipulation I received there was a list of
5 dollar amounts that the Respondents have already paid
6 to the State Treasury, and I simply asked if there
7 was any possibility of adding a column with the dates
8 that those payments were made.

9 MR. FEELEY: And Staff can provide the month
10 and year the payments were made for all those. It
11 also shows up in the draft order.

12 JUDGE ALBERS: Okay. And I guess those
13 documents would be revised to reflect that when they
14 are officially filed. That's my understanding,
15 anyway, is that correct?

16 MR. FEELEY: Yes, that would be Staff's intent.

17 JUDGE ALBERS: Okay. And the second question I
18 had regarded Respondent's Group Exhibit 1. It
19 contained an unredacted copy -- I am sorry, it
20 contains a redacted copy or version of a sale
21 agreement between Caterpillar and WM Partnership
22 Holdings, and I believe another document contained in

1 there has proprietary information as well and the
2 title of which escapes me at the moment.

3 But I inquired -- I am wondering
4 whether or not I would be able to see a public -- I
5 am sorry, I am wondering whether or not I would be
6 able to see an unredacted version of that just to
7 satisfy for myself what is being kept from the
8 public.

9 And, Ms. Greenberg, I will let you
10 address that.

11 MS. GREENBERG: Yes. Judge, I am going to
12 contact both of the parties to the agreement to
13 inquire about that and we will get back -- we will be
14 getting back to you on that. The concern of the
15 parties is that the economic -- the financial aspect
16 and some other aspects of the relationship between
17 the parties is very proprietary and the landfill gas
18 industry is highly competitive. So there are some
19 concerns generally about filing unredacted documents.

20 MR. FEELEY: Judge Albers, I just add for
21 Staff, the redacted version which I was provided with
22 and only Staff, and Staff was provided with, did

1 permit Staff to determine the goal of this proceeding
2 of, you know, which entities are responsible for
3 repaying tax credits. And based upon representations
4 made from Ms. Greenberg that any information that was
5 redacted out did not relate to what's at issue in
6 this docket was a necessary first step to review that
7 unredacted version.

8 But we have no objection to you doing
9 an in camera review, if you believe that's necessary.

10 MS. GREENBERG: And, Judge, if I might just
11 say, that we did not redact information about the
12 ownership of the facility in question or the
13 responsibility for repayment which is what the
14 subject matter of the proceeding is, and that
15 confirming the responsibility of the current owner to
16 repay which is in the documents, the owner has been
17 and continues to make monthly payments pursuant to
18 the schedule that's proposed.

19 JUDGE ALBERS: Well, thank you for those
20 comments. I want to add for the record that I have
21 absolutely no reason to believe that Ms. Greenberg or
22 any of her clients aren't being forthright in what

1 they said about the redacted information. I just for
2 my own peace of mind want to know what I am
3 recommending that the Commission keep from the
4 public. If that means just me seeing it, and Staff
5 is comfortable not seeing it, that's acceptable to
6 me. I am comfortable with that. Just for my own
7 peace of mind I want to make sure that what I am
8 recommending to the Commission is indeed not relevant
9 to the issues at hand.

10 So anything further regarding those
11 questions?

12 MR. FEELEY: Nothing for Staff.

13 JUDGE ALBERS: If Ms. Greenberg is going to go
14 back to her clients and check and see if I could take
15 a look at the full version of that document, we will
16 need some time for her to do that. Prior to going on
17 the record today, we looked at our calendars and it
18 appears that November 19 at 1:30 works for all of our
19 schedules for getting together again to review this.

20 I don't believe there is anything
21 else. I don't believe there is anything else anyone
22 else is supposed to do in that time, aside from make

1 those minor revisions to the joint stipulation and
2 draft order.

3 If Ms. Greenberg's clients are
4 comfortable with me looking at the complete version
5 of those documents before we meet again on the 19th,
6 then I would just ask that she send those to me so
7 that I could look at them and perhaps save us some
8 more time later. I will get that out of the way.

9 Is there anything else for the record
10 today?

11 MS. GREENBERG: Nothing for the respondents.
12 Thank you.

13 MR. FEELEY: Nothing for Staff.

14 JUDGE ALBERS: Otherwise, I think your joint
15 stipulation looks all right and addresses any other
16 questions I had, and I appreciate the work on the
17 draft order.

18 MR. FEELEY: Sure. You are welcome.

19 MS. GREENBERG: Thank you.

20 JUDGE ALBERS: So with that I will go ahead and
21 continue this to November 19 at 1:30 in the
22 afternoon.

1 (Whereupon the hearing in this
2 matter was continued until
3 November 19, 2009, at 1:30 p.m.
4 in Springfield, Illinois.)

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